

PRESENT: Greg Benton, Livingston District  
Greg Cebula, Berkeley District  
Timothy J. McLaughlin, Chancellor District  
David Ross, Courtland District  
Gary F. Skinner, Lee Hill District  
Paul D. Trampe, Salem District  
Chris Yakabouski, Battlefield District

STAFF PRESENT: Mark B. Taylor, County Administrator  
Mark Cole, Deputy County Administrator  
Karl Holsten, County Attorney  
Aimee R. Mann, Deputy Clerk

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Mr. Ross called the meeting to order at 6:00 p.m. Mr. Skinner gave the invocation and Mr. McLaughlin led the Pledge of Allegiance.

### **POSSIBLE AGENDA ADDITIONS**

Mr. Cebula made a motion to approve the agenda with the addition of a Closed Meeting after the Public Hearing and the Human Resources – Income Replacement Benefits Presentation was removed for discussion at a later date. The motion passed unanimously.

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

### **APPROVAL OF THE CONSENT AGENDA**

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

On a motion by Mr. McLaughlin and passed unanimously, the Board approved the Consent Agenda as follows:

1. Approval of the Minutes of the May 9, 2017 Board of Supervisors Meeting;
2. Approval of Three (3) Contract Modifications for Renewal to Multiple Firms to Provide Professional Engineering Design Services for Transportation Projects;
3. Approval of Contract to Nostos SS Contractors, LLC to Provide the Battlefield Elevated Water Storage Tank Renovation;
4. Approval of Contract to J.L. Kent & Sons, Inc. to Provide Construction Services for the Massaponax Church Road Waterline Relocation;

5. Appointment of Michael P. Smith as an Alternate Member to the Citizen Budget Review Committee (CBRC);
6. Appointment of Kimberly Bowen Pomatto as an Alternate Member to the Citizen Budget Review Committee (CBRC);
7. Authorize Advertisement of a Public Hearing for Amendments and Additions to County Code Section 19B-23 through Section 19B-29, Article II – Posting Dwelling and Building Address Numbers;
8. Authorization to Advertise for Public Hearing for Congressman Dave Brat's Office Lease Renewal;
9. Business Property Refund – Welburn Enterprises Inc. T/A McDonald's Restaurant #3264;
10. Business Property Refund – Inwood Design Build LTD;
11. Business Property Refund – Turco II Inc. T/A 208 Tire & Auto Repair;
12. Human Resources Policy Revisions – Chapters 10, 14, 19, 21;
13. State Homeland Security Program Grant Application Request for Two Unmanned Aircraft Systems (UAS).

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

## **PUBLIC PRESENTATIONS**

Douglas Steadman spoke in favor of paving Forest Walk Drive.

Michael Berry spoke with concerns about the funds being used to survey the Orrock-Simms property and spoke in support of the Sheriff's request for 2 unmanned aircraft systems.

## **BOARD OF SUPERVISORS REPORTS**

Mr. Skinner reminded the Board that June 2 the museum at Shannon Airport would be opening around 10:00 a.m.

Mr. Ross shared that Debbie Williams, Commissioner of Revenue, had collected \$6,000 from Spotsylvania residents with out of state tags. He also spoke about the Sheriff's use of unmanned aircraft systems saying they could only use them if a search warrant had been issued.

Mark Taylor announced that County offices would be closed Monday, May 29 in observance of Memorial Day and there would be a wreath laying observance in front of the old courthouse at 10:00 a.m. He also shared that the next Board meeting would be Thursday, June 15, 2017.

## **PUBLIC HEARINGS**

### **R16-0004 Catherine T. Neale and Rebecca T. Acors (Thorburn Estates), RO16-0004 (Chancellor District)**

Ms. Pomatto presented. The Planning Commission voted 7-0 to recommend approval of the amended proffer statement dated December 8, 2016.

Staff recommended the Board adopt the resolution of denial as the proposed amendment falls short of the commitment made to mitigate impacts that were approved with the rezoning.

Mr. Ross declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

Deborah Ray Carns, counsel on behalf of the applicant: She gave an overview of the project and the revised proffers submitted May 4, 2017.

Discussion ensued including the revisions to the proffers with respect to the timing of construction completion and cash payment, transportation improvements and landscaping.

On a motion by Mr. McLaughlin and passed unanimously, the Board continued R16-0004 to the June 15, 2017 Board of Supervisors meeting.

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

## **CLOSED MEETING**

On a motion by Mr. Skinner and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-66**

**To Adjourn into Closed Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically, a Board appointee; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, discussion of real property in the Lee's Hill District; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically planning and zoning matters; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3) and (7), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforesated matters.

**RETURN TO OPEN MEETING AND CERTIFICATION**

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-67**

**Return to Open Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the

provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open session and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

### **PRESENTATIONS/REPORTS BY OTHERS**

#### **VOTE – SUP16-0011: Eco-Site T-Mobile Telecommunications Tower (Courtland District)**

As the Courtland District Supervisor, Mr. Ross said the Planning Commission voted unanimously to recommend denial of the special use permit and the applicant confirmed that the tower desired was predominately to address capacity issues but not because there was a significant coverage gap. Mr. Ross said that he had a petition from about 100 residents, which at least 50 or more were in that specific direct area, that were opposed to the cell tower because of negative aesthetics and property value impacts.

On a motion by Mr. Ross and passed unanimously, the Board approved the resolution of denial as follows:

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

### **RESOLUTION NO. 2017-68**

#### **Denial – Special Use Permit SUP16-0011 Eco-Site (T-Mobile Telecommunication Tower)**

WHEREAS, Eco-site (“Applicant”) requests a Special Use Permit to place a 150-foot tall monopole communication tower with a 10-foot lightning rod (160 feet total height) within a 2,520 sq. ft., fenced equipment area on the 1.4 acre parcel, which is setback approximately 560 feet south of Plank Road at an unaddressed property within the Central Crescent Subdivision. The property is located approximately 400 feet south and behind Loanmax Title Loans, which is located at 3914 Plank Rd, and is currently a disused parking lot. The property is zoned Commercial 2 (C-2) and has a Future Land Use designation of Commercial per the Comprehensive Plan. Tax map parcel 23-22-2. Courtland voting district; and

**WHEREAS**, staff has reviewed the subject application and recommends approval as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on March 1, 2017, duly advertised in a local newspaper for a period of two weeks, and interested citizens were heard;

**WHEREAS**, the Planning Commission, by a vote of 6-0, recommended denial of the Special Use Permit, noting: 1) lack of information on current coverage and capacity and whether applicant was attempting to resolve coverage or capacity issues and 2) there appeared to be available alternative facilities which might be upgraded or have antennas installed upon them instead; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on May 9, 2017, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Board continued the matter at the Applicant's request to allow the Applicant time to provide more information to the Board; and

**WHEREAS**, the Board has determined that: 1) the Applicant confirmed that the tower is desired to predominantly address capacity issues, and the Applicant has not demonstrated there is a significant coverage gap; 2) approximately 52 people who live near the proposed tower site have signed a petition disfavoring the tower based upon its negative aesthetic and property value impact on their properties due to the tower's proposed height and proximal location, and 3) negative impacts on aesthetics and property values are violative of portions of the County Code, Section 23-4.5.7 related to standards of review for special use permits; and

**WHEREAS**, the County Code, the general welfare, and good zoning practices support denial of the application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby deny Special Use Permit SUP16-0011 Eco-Site (T-Mobile Telecommunication Tower).

On a motion by Mr. Ross and passed unanimously, the Board authorized the County Administrator to send the letter of denial notifying the applicant.

**VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Courthouse Area Development and County Space Needs

Mark Taylor gave an overview of the county space needs in addition to the 2013 projections. Discussion ensued regarding the privatization of the Marshall Center, potentially leasing space, demolition of the old Sheriff's office, and tourism.

**NEW BUSINESS**

None

**ADJOURNMENT**

On a motion by Mr. Cebula and passed unanimously, the Board adjourned its meeting at 8:07 p.m.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

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Mark B. Taylor  
Clerk to the Board of Supervisors